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09/866,685	05/30/2001	Takao Miyazaki	3562-0115P	6040

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/866,685	Applicant(s) MIYAZAKI, TAKAO	
	Examiner Lin Ye	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-29 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/26/2004 have been fully considered but they are not persuasive as to claims 2-29.

For claim 20, the applicant argues that the Pavley reference fails to disclose or suggest an editing module which for **separately prepared** music and a plurality of images, makes a period of a first playback time for playback of the plurality of images substantially coincide with a period of a second playback time for the separately prepared music based on the number of images and a playback time for each of the plurality of images (amendment page 11, lines 20-21 and page 12, lines 1-5). The examiner disagrees. It should be noted that the media object includes audio data, image data and text data, etc., but this does not mean that the audio data and image data can not be prepared separately. The Pavley reference clearly discloses in Figures 12 –14, an editing module edits playback duration of the separately prepared audio and the plurality of images (video data contains a plurality of sequential images as video clips), because the Pavley reference shows two separate editing screen, one is a video editing screen (430) for editing the **only prepared plurality of images** (video clips) (e.g., adjusting video playing duration by moving playback head 434 as shown in Figure 13, see Col. 13, lines 46-67 and Col. 14, lines 1-3), and another is a audio editing screen (450) for editing the **only prepared audio file** (e.g., adjusting audio playing duration by selecting the cue item as shown in Figure 18, see Col. 14, lines 45-52). The both audio and image data in the editing screens are prepared independently and separately by user's desire. The editing module for making a period of a first playback time for playback of the

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plurality of images substantially coincide with a period of a second playback time for the separately prepared audio data based on the number of images and a playback time for each of the plurality of images, when sequentially playing back said plurality of images (e.g., the editing module allows user to manually change playback duration, order for any data of the media object such audio or images in the slide show, see Col. 15, lines 59-67 and Col. 16, lines 1-10). However, the Pavley reference does not explicitly states the audio is music or just simply voice. The Hasegawa reference teaches the audio data is music for camera system. The Hasegawa reference is evidence that one of ordinary skill in the art at the time to see more advantages for digital camera system having more flexible option to generate a multimedia presentation slide show that can output any type of audio such music or voice together with the moving or changing images. For that reason, it would have been obvious to one of ordinary skill in the art to modify the audio playback module of Pavley ('141) becoming a music playback module as taught by Hasegawa ('169), so that the editing module of Pavley ('141) can edits the separately prepared music and the plurality of images.

Claim Objections

2. Claim 9 objected to because of the following informalities:

For the claim 9, line 1, it states "the digital camera as claimed in **claim 1**". However the claim 1 has been canceled by applicant's amendment filed on 11/26/04.

For examining purpose, the examiner assumes the claim 9 is a dependent claim of the new claim 20.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20, 2-19 and 21-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley U.S. Patent 6,317,141 in view of Hasegawa et al. U.S. Patent 6,084,169.

Referring to claim 20, the Pavley reference discloses in Figures 1, 4, and 11-21, a digital camera (100, see Col. 2, lines 65-67), comprising: an image playback module (e.g., the cues 438 displayed across the top of the movie graph 432 as an image playback module in the video editing screen 430 are associated with a video playback time, see Figures 13-17, and Col. 13, lines 65-57) for playing back a plurality of images (e.g., video data contains a plurality of sequential images as video clips) accompanied by music prepared separately (e.g., the Pavley reference shows two separate editing screen, one is a video editing screen 430 for editing the only prepared plurality of images, and another is a audio editing screen 450 for editing the only prepared audio file. The both audio and image data in the editing screens are prepared independently and separately by user's desire) from said plurality of images in a first playback time (video duration); a audio playback module (e.g., the cues 438 displayed across the top of the audio waveform 452 as an audio playback module in the video editing screen 450 are associated with a audio playback time, see Figure 18, and Col. 43,

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lines 45-52) for playing back said audio in a second playback time; and an editing module (the user pressing the “Edit” soft key 206b as an editing module including a video editing screen 430 and a audio editing screen 450) for making a period of said first for making a period of a first playback time for playback of the plurality of images substantially coincide with a period of a second playback time for the separately prepared audio data based on the number of images and a playback time for each of the plurality of images, when sequentially playing back said plurality of images, when sequentially playing back said plurality of images (e.g., the editing module allows user to manually change playback duration, order for any data of the media object such audio or images in the slide show, see Col. 15, lines 59-67 and Col. 16, lines 1-10). However, the Pavley reference does not explicitly shows the audio is music or just simply voice.

The Hasegawa reference teaches in Figures 2 and 14, an automatically music composing system including cameras (video camera 1401, digital camera 1403 as the image input device 201, see Col. 8, lines 19-25) for entering moving images or still images; and the background music is automatically composed using the parameter and scene reproduction time, and the composed background music is output along with the moving or changing image (See Col. 1, lines 62-67 and Col. 2, lines 1-5 and 59-67). The Hasegawa reference is evidence that one of ordinary skill in the art at the time to see more advantages for digital camera system having more flexible option to generate a multimedia presentation slide show that can output any type of audio such music or voice together with the moving or changing images. For that reason, it would have been obvious to one of ordinary skill in the art to modify the audio playback module of Pavley (‘141) becoming a music playback module as taught by

Hasegawa ('169), so that the editing module of Pavley ('141) can edit the separately prepared music and the plurality of images.

Referring to claim 2, the Pavley and Hasegawa references disclose all subject matter as discussed in respect to claim 20, and the Pavley reference discloses wherein said editing module comprises an image setting section for selecting said images; and a music (e.g. as discussed in claim 20, **thereafter the audio clip referred as music**) setting section for selecting said music (four-way navigation button 200 for selecting the media objects such as images, audio clips, see Figure 4 and Col. 7, lines 50-65), wherein said editing module adjusts an image playback time to make said image playback time and said music playback time substantially coincide (the media object to be played for the duration of the associated audio, see Col 15, lines 65-67 and Col. 16, lines 1-10), based on said number of said images and said music playback time of said music (audio is inherently a time-based media).

Referring to claim 3, the Pavley and Hasegawa references disclose all subject matter as discussed in respect to claim 20, and the Pavley reference discloses wherein said editing module comprises an image playback time-setting section (the editing screens for images and video as shown in Figure 12-17) for setting said playback time of each of said images in to a meta data File (360, in Figure 9A); and a music setting section (four-way navigation button 200 for selecting the media objects such as images, audio clips, see Figure 4 and Col. 7, lines 50-65) for selecting said music, wherein said number of said images is adjusted to make said image playback time and said music playback time substantially coincide, based on said playback time of each of said images and said music playback time of said music (see Col 15, lines 65-67 and Col. 16, lines 1-10 and the comments in claim 2).

Referring to claim 4, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claim 20, and the Pavley reference discloses wherein said editing module comprises an image setting section for setting said number of said images (media objects); and an image playback time-setting section for setting said playback time (duration of play) of each of said images (as a slide show file in Figure 9A-9B), wherein said music, which is adjusted (in Figure 18, the audio editing screen 450 can adjust the audio playback time associated with the media object to be played, See Col. 14, lines 45-52) so that said image playback time and said music playback time substantially coincide, is edited, based on said number of said images and said playback time of each of said images.

Referring to claim 5, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claim 20, and the Pavley reference discloses wherein said editing module comprises an adjustment section for adjusting said image playback time to substantially coincide with said music playback time, when said image playback time and said music playback time are not substantially the same (As shown in Figures 12-18, the camera has images, video and audio editing screen is capable for adjusting duration of play time and selecting those media type data. After it completes editing and saves to as slide show data file. So all media data including the images and audio can be played coincide as a multimedia presentation see Col. 12, lines 8-10 and Col. 11, lines 29-56).

Referring to claim 6, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claims 20 and 5, and the Pavley reference discloses wherein: said adjustment section includes an image playback time-adjusting section (See properties screen 480 in Figure 21 and video editing screen in Figures 15-17) for adjusting said image

playback time; said image playback time-adjusting section includes: an image number-adjusting section for setting said number of said images (selecting the still images and adding to the play list as shown in Figure 9A-9B, see Col. 12, lines 10-13); and an image time-adjusting section for setting said playback time of each of said images, wherein said image playback time-adjusting section adjusts said image playback time to substantially coincide with said music playback time, based on said image number-adjusting section and said image time-adjusting section (See the comments on claim 2).

Referring to claim 7, the Pavley and Hasegawa references disclose all subject matter as discussed in respected same comments with claims 4 and 5.

Referring to claim 8, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claim 20, and the Pavley reference discloses wherein said editing module comprises a playback time setting section for setting a time defined by a user as playback time of said images; an image playback time-adjusting section for adjusting said image playback time to substantially coincide with said playback time defined by the user; and a music playback time-adjusting section for adjusting said music playback time to substantially coincide with said playback time defined by the user (e.g., the user can manually using the navigation control during slide show to setting the play back duration time for both image and audio data, see Col. 16, lines 1-10; the variety of functions provided by the editing screens enable the user to edit the audio , video and image media types all which a digital video camera, see Col. 16, lines 41-43).

Referring to claim 9, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claim 20, and the Pavley reference discloses wherein said editing

module comprises wherein an image file is created having said music playback time and said image playback time that substantially coincide (See Col. 12, lines 12).

Referring to claim 10, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claim 20, and the Pavley reference discloses a movie playback module, wherein movies are played back having movie (video) playback time that substantially coincides with said music playback time of said music, said music being separate from said movies (as stand-alone audio clip file) and played back to accompany said movies (See Col. 12, lines 6-17).

Referring to claim 11, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claim 20, and the Pavley reference discloses screen switching-setting section (See edit screen from Figures 11-18) for setting said playback time of each of said images by synchronizing timing for switching images with a specific timing of said music as a slide show.

Referring to claim 12, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claims 20 and 11, and the Pavley reference discloses wherein said specific timing of said music (audio clip files) is at least one of a beginning of each subsection of said music and a distinctive sound (See Figure 9A as meta data file).

Referring to claim 13, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claim 20, and the Hasegawa reference discloses an image processing section (processor 205, see Col. 2, lines 50-51) for setting a process of image switching (see Col. 6, lines 63-67 and Col. 7, lines 58-67) for each genre of said music as shown in Figures 7-8 (e.g., differences background color and foreground color of images

associate with difference musical value train aggregations. The each musical value train aggregation can be consider as each genre of the music, see Col. 5, lines 1-34).

Referring to claim 14, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claim 20, and the Pavley reference discloses a movie (audio) playback module, wherein movies and said images are played back such that a total playback time for playing back said plurality of images along with said movies substantially coincides with said music playback time, said music being separate from said movies and played back to accompany said movies and said images (See Col. 12, lines 6-17).

Referring to claim 15 (depended on any one of claims 20 and 2-14), the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claims 20 and 2-14, and the Pavley reference discloses wherein creation information of at least one of said images and said movies is outputted to a file (output a meta data file 360 as shown in Figure 9A-B, see Col. 11, lines 41-47).

Referring to claim 16, the Pavley reference discloses in Figures 1, 4, and 11-21, a method for adjusting an image playback time of a plurality of images and a audio (e.g. as discussed in claim 1, thereafter the audio clip referred as music) playback time of accompanying music to substantially coincide (e.g., as a slide show for multimedia presentation), the method comprising: (a) accepting input of instructions for selecting images (Figure 5, step 500) and music to be played back (Figures 8 and 9A-B); (b) setting at least one of images to be played back, an image playback time for playing back said images, audio to be played back, movies to be played back, a total playback time, a music genre, a screen switching method, and a mixing level (see editing screens from Figure 12-18), wherein said audio is prepared

separately from said images (e.g., the Pavley reference shows two separate editing screen, one is a video editing screen 430 for editing the only prepared plurality of images, and another is a audio editing screen 450 for editing the only prepared audio file. The both audio and image data in the editing screens are prepared independently and separately by user's desire); (c) obtaining at least one of said image playback time and said audio playback time from said setting of said images and said setting of said audio (See Col. 12, lines 10-15); (d) adjusting at least one of said obtained image playback time and said obtained audio playback time to make a period first playback time, which is the playback time for the images substantially coincide with a period of a second playback time, which is the playback time for said audio, wherein said first playback time is defined based on the number of said images and on a playback time is defined based on the number of said images and on a playback time for each of said plurality of images (e.g., the editing module allows user to manually change playback duration, order for any data of the media object such audio or images in the slide show, see Col. 15, lines 59-67 and Col. 16, lines 1-10 and Col. 15, lines 65-67); and (e) processing at least one of the images and the audio after said adjusting of at least one of said obtained image playback time and said obtained audio playback time (See Col. 16, lines 1-10). However, the Pavley reference does not explicitly shows the audio is music or just simply voice.

The Hasegawa reference teaches in Figures 2 and 14, an automatically music composing system including cameras (video camera 1401, digital camera 1403 as the image input device 201, see Col. 8, lines 19-25) for entering moving images or still images; and the background music is automatically composed using the parameter and scene reproduction time, and the

composed background music is output along with the moving or changing image (See Col. 1, lines 62-67 and Col. 2, lines 1-5 and 59-67). The Hasegawa reference is evidence that one of ordinary skill in the art at the time to see more advantages for digital camera system having more flexible option to generate a multimedia presentation slide show that can output any type of audio such music or voice together with the moving or changing images. For that reason, it would have been obvious to one of ordinary skill in the art to modify the audio playback module of Pavley ('141) becoming a music playback module as taught by Hasegawa ('169), so that the editing module of Pavley ('141) can edit the separately prepared music and the plurality of images.

Referring to claim 17, the Pavley and Hasegawa references disclose all subject matter as discussed in respected same comments with claim 20.

Referring to claim 18, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claim 17, and the Pavley reference discloses images editing section includes: an adjustment section having at least one of: an image number-adjusting section for adjusting a number of images (See Figure 4A-B, marking the interested images to play) to be played back; and an image time-adjusting section (See Figure 21, adjusting duration of time to play) for adjusting a time for playing back an image.

Referring to claim 19, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claims 17 and 18, and the Pavley reference discloses an image processing section (computer 112 in Figure 1), connected to said adjustment section (editing screen 114), said image processing section processing said images in concert with said music to be played back; and a music processing section (audio codec 120) connected to said

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adjustment section, said music processing section processing said music (audio or sound) in concert with said images to be played back (See Col. 4, lines 3-8 and Col. 12, lines 26-32).

Referring to claim 21, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claims 17 and 18, and the Pavley reference discloses wherein said editing module determines said playback time of each image based on said second playback time and the number of said plurality of images (e.g., as shown in Figures 13-18, the Pavley reference shows two separate editing screen, one is a video editing screen 430 for editing the only prepared plurality of images, and another is a audio editing screen 450 for editing the only prepared audio file. The both audio and image data in the editing screens are prepared independently and separately by user's desire. For this reason, editing module can determine said playback time of each image based on said second playback time and the number of said plurality of images as shown in Figure 21).

Referring to claim 22, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claims 17 and 18, and wherein said editing module includes an image time-adjusting section for setting said playback time for each of said plurality of images based on a distinctive sound in said music (e.g., selecting different media object as a distinctive sound data as shown in Figure 21).

Referring to claim 23, the Pavley and Hasegawa references disclose all subject matter as discussed in respected to claims 17 and 18, and wherein said editing module includes an image time-adjusting section for setting said playback time for each of said plurality of image based on a sub-section of said music (e.g., as shown in Figure 18, a position of playback head

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434, and sue locations 436 and 438 that mark the sub-section of said music for playback with the plurality of images).

Referring to claim 24, the Pavley and Hasegawa references disclose all subject matter as discussed in respected same comments with claim 21.

Referring to claim 25, the Pavley and Hasegawa references disclose all subject matter as discussed in respected same comments with claim 22.

Referring to claim 26, the Pavley and Hasegawa references disclose all subject matter as discussed in respected same comments with claim 23.

Referring to claim 27, the Pavley and Hasegawa references disclose all subject matter as discussed in respected same comments with claim 21.

Referring to claim 28, the Pavley and Hasegawa references disclose all subject matter as discussed in respected same comments with claim 22.

Referring to claim 29, the Pavley and Hasegawa references disclose all subject matter as discussed in respected same comments with claim 23.

Conclusion

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory

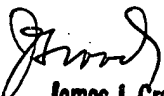
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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James J. Groody
Supervisory Patent Examiner
Art Unit 262 2615

Lin Ye
April 22, 2005